



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 3

#### THE SUPREME COURT

##### *Jurisdiction, relation to other courts etc*

#### **40 Jurisdiction**

- (1) The Supreme Court is a superior court of record.
- (2) An appeal lies to the Court from any order or judgment of the Court of Appeal in England and Wales in civil proceedings.
- (3) An appeal lies to the Court from any order or judgment of a court in Scotland if an appeal lay from that court to the House of Lords at or immediately before the commencement of this section.
- (4) Schedule 9—
  - (a) transfers other jurisdiction from the House of Lords to the Court,
  - (b) transfers devolution jurisdiction from the Judicial Committee of the Privy Council to the Court, and
  - (c) makes other amendments relating to jurisdiction.
- (5) The Court has power to determine any question necessary to be determined for the purposes of doing justice in an appeal to it under any enactment.
- (6) An appeal under subsection (2) lies only with the permission of the Court of Appeal or the Supreme Court; but this is subject to provision under any other enactment restricting such an appeal.

#### **41 Relation to other courts etc**

- (1) Nothing in this Part is to affect the distinctions between the separate legal systems of the parts of the United Kingdom.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A decision of the Supreme Court on appeal from a court of any part of the United Kingdom, other than a decision on a devolution matter, is to be regarded as the decision of a court of that part of the United Kingdom.
- (3) A decision of the Supreme Court on a devolution matter—
  - (a) is not binding on that Court when making such a decision;
  - (b) otherwise, is binding in all legal proceedings.
- (4) In this section “devolution matter” means—
  - (a) a question referred to the Supreme Court under section 33 of the Scotland Act 1998 (c. 46) or section 11 of the Northern Ireland Act 1998 (c. 47);
  - (b) a devolution issue as defined in Schedule 8 to the Government of Wales Act 1998 (c. 38), Schedule 6 to the Scotland Act 1998 or Schedule 10 to the Northern Ireland Act 1998.